

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

BARBARA ELAM AND BOBBY ELAM

PLAINTIFFS

VS.

CIVIL ACTION NO. 1:08CV304-DD

THE KANSAS CITY SOUTHERN RAILWAY
COMPANY AND RONALD L. MICHAEL

DEFENDANTS

AFFIDAVIT OF ROBERT A. BURT, II

STATE OF MISSISSIPPI

COUNTY OF HINDS

1. My name is Robert A. Burt, II, and I am a resident of Rankin County, Mississippi. I have personal knowledge of the facts stated in this affidavit. I swear and affirm that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

2. I am an adult, competent to testify to the matters stated in this affidavit. The statements made herein are made upon my personal knowledge. I am employed by the Mississippi Department of Transportation (hereinafter "MDOT"), in the office located in Jackson, Mississippi, as the Director of Freight, Rails, Ports & Waterways.

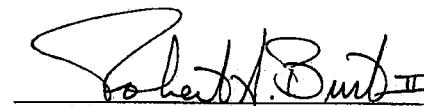
3. Pursuant to the 1981 project identified as MDOT Project No. 75-0916-00-026-10 (Federal Aid Project No. OP-0916-0(26)), MDOT records indicate that federal funds were in fact used to fund the installation of highway pavement markings and advance warning signs at the Pine Crest crossing located in Corinth, Alcorn County, Mississippi, Crossing Identification No. 869527K.

EXHIBIT

B

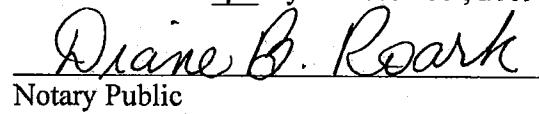
4. I have reviewed the documentation attached to this affidavit as Exhibit "1". These documents are true and correct copies of the documents in the possession of MDOT, and such documents were used to determine that federal funds were used at the subject grade crossing.

Further Affiant sayeth not.

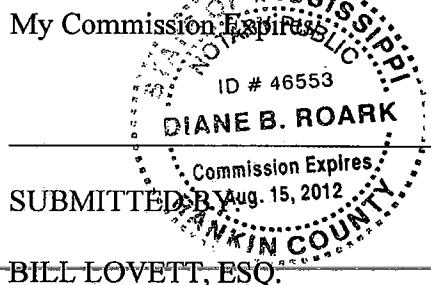


ROBERT A. BURT, II

SWORN TO AND SUBSCRIBED BEFORE ME on this the 4th day of December, 2009.



Notary Public



STATE OF MISSISSIPPI

Mark Miller

**RAILROAD GRADE CROSSING PROTECTION
FEDERAL AID PROJECT NO. OP-0916-0(25)**

FEDERAL AID PROJECT NO. OP-0916-0(26)

75-0916-00-026-10

FINAL PLANS
OF
COMPLETED WORK

RAILROAD ADVANCE WARNING SIGNS

AT CITY STREETS AND COUNTY ROADS-STATEWIDE

MISSISSIPPI STATE HIGHWAY DEPARTMENT	
APPROVED:	
<u>John R. Stelle</u>	
DIRECTOR	<u>12-3-81</u>
DATE	

2/19/81

CROSSINGS FOR COUNTY ALBORN										PAGE	
ID. NO.	EFFECT DATE	CNTY	RR	HLY PAVE	PAVE MARK	ADV AADT	NEW AADT	HP	PM		OLD AADT
869557D	003	CCR	—	0	X	2	3	2	3	000630	CROSSBUCKS
869521U	003	CCR	2 @ 10'	2	0	1	5	1	5	000900	CROSSBUCKS
869523H	003	CCR	2 @ 9'	2	—	1	3	2	3	000300	CROSSBUCKS
869526D	003	CCR	2 @ 11'	2	—	1	1	1	1	001200	HLY SIG W/ BELL
CORINTH	869527K	CCR	2 @ 11'	2	X	1	3	1	3	001000	CROSSBUCKS
RR TOTAL										4	